ttorney Docket No.: 16770-002800US

DECLARATION

As a below named inventor, I declare that:

	s stated below next to my name; I believe I am the original, first and sole
inventor (if only one name is listed below) or an original,	, first and joint inventor (if plural inventors are named below) of the subject
	at on the invention entitled: APERTURE PLATE AND METHODS FOR
ITS CONSTRUCTION AND USE the specification of	f which $\underline{\hspace{0.2cm}}$ is attached hereto or $\underline{\hspace{0.2cm}}$ was filed on September 9, 1999 as
Application No. <u>09/392,180</u> and was amended on	(if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

111

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

Littereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

TI F		
### ### ### ##########################	Application No.	Filing Date
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I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or RET international filing date of this application:

Application No.	Date of Filing	Status

Full Name of	Last Name:	First Name:	Middle Name or Initial:		
Inventor 1:	BORLAND	SCOTT			
Residence & Citizenship:	City: San Mateo	State/Foreign Country: California	1	Country of Citizenship: United States	
Post Office	Post Office Address:	City:	State/Country:	Postal Code:	
Address:	25 McAker Court, #135	San Mateo	California	94403	
Full Name of	Last Name:	First Name:	Middle Name or Initial:		
Inventor 2:	BAKER	GARY			
Residence & Citizenship:	City: Mountain View	State/Foreign Country: California	Country of Citizenship: United States		
Post Office Address:	Post Office Address: 1375 Montecito Avenue, #52	City: Mountain View	State/Country: California	Postal Code: 94043	

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1

Signature of Inventor 2

SCOTT BORLAND

Date 10/22/99

Date 11/3/99

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POWER OF ATTORNEY BY ASSIGNEE

AEROGEN, INC. is the Assignee of METHODS FOR ITS CONSTRUCTION AND USE or X was filed on September 9. 1999 as Application	f the invention entitled: <u>APERTURE PLATE AND</u> , the specification of which is attached hereto Serial No. <u>09/392,180</u> .
Assignee hereby appoints the follow application and transact all business in the Patent and	wing attorney(s) and/or agent(s) to prosecute this Trademark Office connected therewith.
Darin J. Gibby, Chad S. Hilyard Roger T. Barret William F. Vob Scott L. Ausen	g, Reg. No. 26,578 g, Reg. No. 38,464 d, Reg. No. 40,647 tt, Reg. No. 41,599 bach, Reg. No. 39,411 hus, Reg. No. 42,271 nklin, Reg. No. 43,616
Send Correspondence to: Darin J. Gibby TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834	Direct Telephone Calls to: (Name, reg. no., tele. no.) Darin J. Gibby Reg. No.: 38,464 303/571-4000
Date: Nov. 17-1599 By:	AEROGEN, INC. (Signature)

Name: Yehuda Ivri
Title: Chief Technical Officer

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CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

, rbbirom	nt: Scott Borland and Gary Baker	
Applicat	tion No.: 09/392,180	Filed: September 9, 1999
For: AF	PERTURE PLATE AND METHO	DS FOR ITS CONSTRUCTION AND USE
	GEN, INC., a Delaware corporation	1 e of Assignee, e.g., corporation, partnership, university, government agency, etc.)
(Name of Ass		
certifies	-	plication identified above by virtue of either:
A. 🛛	An assignment from the inventor attached.	or(s) of the patent application identified above for which a copy thereof is
OR		
В. 🗌	A chain of title from the inven shown below:	tor(s), of the patent application identified above, to the current assignee as
٠	1. From:	To:
		I in the Patent and Trademark Office at, or for which a copy thereof is attached.
	2. From:	To:
		l in the Patent and Trademark Office at , or for which a copy thereof is attached.
	3. From:	To:
		d in the Patent and Trademark Office at , or for which a copy thereof is attached.
A	dditional documents in the chain o	of title are listed on a supplemental sheet.
□с	copies of assignments or other docu	aments in the chain of title are attached.
The un	dersigned (whose title is supplied	below) is empowered to act on behalf of the assignee.
informa willful Title 18	ation and belief are believed to be false statements, and the like so	de herein of my own knowledge are true, and that all statements made of the true; and further, that these statements are made with the knowledge that made, are punishable by fine or imprisonment, or both, under Section 1001 hat such willful false statements may jeopardize the validity of the application
Date:		2, 1999
Name Title:		
	iture:	

Attorney Docket No.: 16770-002800US

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Scott Borland, of 25 McAker Court, #135, San Mateo, CA 94403, Gary Baker, of 1375 Montecito Avenue, #52, Mountain View, CA 94043, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:

APERTURE PLATE AND METHODS FOR ITS

CONSTRUCTION AND USE

Filing Date:

September 9, 1999

Application No.:

09/392,180; and

WHEREAS, AEROGEN, INC., a corporation of the state of Delaware, located at 1310 Orleans Drive, Sunnyvale, CA, 94089, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

Assignment Attorney Docket No.: 16770-002800US Page 2
On November 3, 1999, before me, beth Stancer, Notary Public personally appeared Scott Borland, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he she executed the same in his her authorized capacity, and that by his her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.
WITNESS my hand and official seal.
BETH STAMPER Commission # 1207704 Notary Public - California Santa Clara County My Comm. Expires Jan 10, 2003 NOTARY PUBLIC
My Commission Expires: Jan 10,2003 Dated: 11/3/99 Gary Baker
STATE OF CALIFORNIA)) ss. COUNTY OF)
On November 3, 1999, before me, Beth Stanger, Nothing, personally appeare to be the person whose name is subscribed to the within instrument, and acknowledged to me that he execute the same in higher authorized capacity, and that by his her signature on the instrument the person, or the entity upo behalf of which the person acted, executed the instrument.
WITNESS my hand and official seal. BETH STAMPER Commission # 1207704 Notary Public - California Santa Clara County My Comm. Expires Jan 10, 2003 NOTARY PUBLIC :
My Commission Expires: Jan 10, 2003

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